

**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
**Chapter 3-B: REGIONAL GREENHOUSE GAS INITIATIVE**

**§580-A. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 317, §17 (NEW).]

**1. Allocation.** "Allocation" means the number of carbon dioxide allowances to be credited to a carbon dioxide budget unit or to the general account of the sponsor of an approved carbon dioxide emissions offset project.

[ 2007, c. 317, §17 (NEW) .]

**1-A. Account.** "Account" means a general account or a compliance account.

[ 2009, c. 200, §3 (NEW) .]

**2. Carbon dioxide allowance.** "Carbon dioxide allowance" or "carbon dioxide emissions allowance" means a limited authorization by the department for the emission of up to one ton of carbon dioxide.

[ 2007, c. 317, §17 (NEW) .]

**3. Carbon dioxide budget unit.** "Carbon dioxide budget unit" means any single fossil fuel fired unit that serves a generator with a nameplate capacity equal to or greater than 25 megawatts of electrical output.

[ 2007, c. 608, §4 (AMD) .]

**4. Carbon dioxide budget unit compliance account or compliance account.** "Carbon dioxide budget unit compliance account" or "compliance account" means the account established by the department for a carbon dioxide budget unit wherein carbon dioxide emissions allowances and carbon dioxide offset allowances are held and available for compliance purposes under the carbon dioxide cap-and-trade program.

[ 2009, c. 200, §4 (AMD) .]

**5. Carbon dioxide emissions budget.** "Carbon dioxide emissions budget" means the total amount of carbon dioxide emissions allowances allocated by the State on an annual basis.

[ 2007, c. 317, §17 (NEW) .]

**6. Carbon dioxide emissions offset project.** "Carbon dioxide emissions offset project" means a project that reduces or avoids loading of carbon dioxide and other greenhouse gases in the atmosphere and is demonstrated to qualify as real, additional, verifiable, enforceable and permanent as those terms are defined in rules adopted by the department. "Carbon dioxide emissions offset project" includes, but is not limited to, landfill and agricultural methane capture and destruction, reduction in emissions of sulfur hexafluoride, sequestration of carbon due to forestry practices and reduction or avoidance of carbon dioxide emissions from natural gas, oil or propane end-use combustion due to end-use energy efficiency and other categories established by the department by rule.

[ 2013, c. 369, Pt. D, §2 (AMD) .]

**6-A. Carbon dioxide general account or general account.** "Carbon dioxide general account" or "general account" means the account established by the department upon the request of an entity wherein the entity may hold carbon dioxide allowances and carbon dioxide offset allowances. The general account is separate from the compliance account.

[ 2009, c. 200, §5 (NEW) .]

**7. Carbon dioxide offset allowance.** "Carbon dioxide offset allowance" means a carbon dioxide allowance awarded to the sponsor of a carbon dioxide emissions offset project.

[ 2007, c. 317, §17 (NEW) .]

**8. Combined cycle system.** "Combined cycle system" means a system composed of one or more combustion turbines, heat recovery system generators and steam turbines configured to improve overall efficiency of electrical generation or steam production.

[ 2007, c. 317, §17 (NEW) .]

**9. Combined heat and power unit.** "Combined heat and power unit" means a device that simultaneously generates electricity and thermal power and operates at a high level of output efficiency by utilizing the waste heat created as a by-product of electricity generation for domestic, commercial or industrial heating or cooling purposes, and whose useful thermal output equals at least 10% of the fossil fuel energy input of the unit.

[ 2007, c. 317, §17 (NEW) .]

**10. Electrical generating unit.** "Electrical generating unit" means a fossil fuel fired combustion device that serves a generator.

[ 2007, c. 317, §17 (NEW) .]

**11. Fossil fuel.** "Fossil fuel" means natural gas, petroleum, coal or any form of solid, liquid or gaseous fuel derived from such a material.

[ 2007, c. 317, §17 (NEW) .]

**12. Fossil fuel fired unit.** "Fossil fuel fired unit" means:

A. With regard to a unit that commenced operation prior to January 1, 2005, a unit fueled by the combustion of fossil fuel, alone or in combination with any other fuel, where the fossil fuel combusted constitutes, or is projected to comprise, more than 50% of the annual heat input on a British Thermal Unit basis during any calendar year; or [2007, c. 608, §5 (NEW) .]

B. With regard to a unit that commences operation on or after January 1, 2005, a unit fueled by the combustion of fossil fuel, alone or in combination with any other fuel, where the fossil fuel combusted constitutes, or is projected to comprise, more than 5% of the annual heat input on a British Thermal Unit basis during any calendar year. [2007, c. 608, §5 (NEW) .]

[ 2007, c. 608, §5 (AMD) .]

**13. Generator.** "Generator" means a device that produces electricity and is required to be reported as a generating unit pursuant to the United States Department of Energy Form 860.

[ 2007, c. 317, §17 (NEW) .]

**14. Gross electrical generation.** "Gross electrical generation" means the electrical output in megawatts at the terminals of the generator.

[ 2007, c. 317, §17 (NEW) . ]

**15. Integrated manufacturing facility.** "Integrated manufacturing facility" means a facility that:

A. Received an air emissions license from the department prior to the effective date of this subsection; [ 2007, c. 317, §17 (NEW) . ]

B. Produces electricity from one or more carbon dioxide budget units, including one or more combined heat and power units, for transmission over the facilities of a transmission and distribution utility; and [ 2007, c. 317, §17 (NEW) . ]

C. Routinely produces one or more other products for sale. [ 2007, c. 317, §17 (NEW) . ]

[ 2007, c. 317, §17 (NEW) . ]

**16. Long-term electricity contract.** "Long-term electricity contract" means a contract for a period of 3 years or more with a carbon dioxide budget unit for the purchase of electricity.

[ 2007, c. 317, §17 (NEW) . ]

**17. Memorandum of Understanding; memorandum.** "Memorandum of Understanding" or "memorandum" means the Regional Greenhouse Gas Initiative Memorandum of Understanding dated December 20, 2005 that establishes an electric power sector carbon emissions cap-and-trade program within the northeast region of the United States.

[ 2007, c. 317, §17 (NEW) . ]

**17-A. Model rule.** "Model rule" means the model rule, as amended, referenced in the memorandum of understanding.

[ 2013, c. 369, Pt. D, §3 (NEW) . ]

**18. Nameplate capacity.** "Nameplate capacity" means the maximum electrical generating output, expressed in megawatts, that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings.

[ 2007, c. 317, §17 (NEW) . ]

**18-A. Proprietary information.** "Proprietary information" means production, commercial or financial information claimed as confidential on documents required to be submitted to participate in an auction, the disclosure of which would impair the competitive position of the account holder and would make available information that is not otherwise available.

[ 2009, c. 200, §6 (NEW) . ]

**18-B. Other independent system operator participating states.** "Other independent system operator participating states" means the following states participating in the regional greenhouse gas initiative as of January 1, 2011 that are located within the New England independent system operator control area: Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont.

[ 2011, c. 277, §1 (NEW) . ]

**19. Regional greenhouse gas initiative.** "Regional greenhouse gas initiative" means the initiative referred to in the Memorandum of Understanding and the corresponding model rule that memorializes the ongoing cooperative effort by the State and other states to design and implement a regional carbon dioxide cap-and-trade program covering carbon dioxide emissions from electrical generating units in the signatory states.

[ 2007, c. 317, §17 (NEW) .]

**20. Regional organization.** "Regional organization" means the entity that will manage the regional greenhouse gas initiative on a regional basis and with which the State contracts for related service.

[ 2007, c. 317, §17 (NEW) .]

**21. Regional transmission organization.** "Regional transmission organization" means the independent systems operator that administers and oversees the wholesale electricity markets in which the State participates.

[ 2007, c. 317, §17 (NEW) .]

**22. Ton.** "Ton" means 2,000 pounds.

[ 2007, c. 317, §17 (NEW) .]

**23. Transmission and distribution utility.** "Transmission and distribution utility" means a transmission and distribution utility as defined in Title 35-A, section 3201, subsection 6, 12 or 16.

[ 2007, c. 317, §17 (NEW) .]

#### SECTION HISTORY

2007, c. 317, §17 (NEW). 2007, c. 608, §§4, 5 (AMD). 2009, c. 200, §§3-6 (AMD). 2011, c. 277, §1 (AMD). 2013, c. 369, Pt. D, §§2, 3 (AMD).

---

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--